



CrI.O.P.(MD)No.11590 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

CrI.O.P.(MD)No.11590 of 2023

and

CrI.M.P(MD) No.9121 of 2023

Ramalingam

... Petitioners/ 1st Accused

Vs.

1.State, represented by
The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
(Crime No.13/2022).

...1st Respondent/Complainant

2. Kuthalingam,

...2nd Respondent/Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the Impugned Order of NBW issued in PRC No.45 of 2023 dated 19.06.2023 by the file of the Learned Judicial Magistrate, Tenkasi and to set aside the same.

For Petitioner : Mr.Sreenivasan M R

For R1 : Mr.B.Nambiselvan
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records pertaining to the Impugned Order of NBW issued in PRC No.45 of 2023 dated 19.06.2023 by the file of the Learned Judicial Magistrate, Tenkasi and to set aside the same.

2. Even though the personal appearance of the petitioner is dispensed by the order dated 12.06.2023 in Crl.O.P(MD) No.10174 of 2023, the above said order was also communicated to the committal Court on 16.06.2023. The second accused was present, whereas this petitioner was not. A memo was filed stating that the personal appearance of the petitioner is dispensed. Since the matter is pending for committal proceedings, he was directed to appear on 19.06.2023. In spite of the above said specific direction, he did not appear on that date. So, warrant has been issued and the petition under Section 309 of Cr.P.C. was also dismissed.



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3. When personal appearance is dispensed it means that the committal Court may direct the petitioner to be present on specific date for specific purposes. For the purpose of questioning only, he was directed to be present on that date. For the purpose of questioning, the presence of the petitioner is required. The petitioner ought to have made a proper representation before the concerned Court and sought time.

4. But however, considering the fact that the above said committal process is underway and the petitioner is directed to appear before the learned Judicial Magistrate, Tenkasi, on 03.07.2023 and on his appearance, the above said warrant will stand recalled. Committal process be completed on the day itself.



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5. With the above said direction, this Criminal Original petition stands closed. Consequently, connected Miscellaneous Petition is closed.

27.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Indu

To

- 1.The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

Indu

Order made in
Crl.O.P.(MD)No.11590 of 2023

Dated: 27.06.2023